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Report of the Working Group on the Universal Periodic Review*

Georgia

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-third session from 2 to 13 November 2015. The review of Georgia was held at the 13th meeting, on 10 November 2015. The delegation of Georgia was headed by the Deputy Minister of Foreign Affairs, Khatuna Totladze. At its 17th meeting, held on 12 November 2015, the Working Group adopted the report on Georgia.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Georgia: Algeria, Portugal and the former Yugoslav Republic of Macedonia.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Georgia:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/23/GEO/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/23/GEO/2 and Corr.1);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/23/GEO/3).

4. A list of questions prepared in advance by Belgium, the Czech Republic, Germany, Mexico, the Netherlands, Norway, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Georgia through the troika. These questions are available on the extranet of the Working Group.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of Georgia noted that the review was taking place just after Georgia's election as a member of the Human Rights Council. Georgia was honoured to become a member; its membership underlined the country's commitment to further advancing its national and foreign policies for the protection of human rights.

6. Georgia was keen to discuss the human rights situation in the country and saw the universal periodic review as a unique instrument for the promotion and protection of human rights. During the first review cycle, Georgia had undertaken to implement 136 recommendations, and had successfully implemented 98 of these; the implementation of the remaining 38 was ongoing. In 2013, Georgia had submitted a midterm report on the implementation of the recommendations.

7. Georgia's second national report had been prepared by an inter-agency group which brought together high- and mid-level officials from the executive, judicial and legislative branches. That group had been established in 2014 for the implementation of reporting obligations before the United Nations treaty- and Charter-based bodies. It had also engaged widely with the non-governmental sector; numerous consultative and dissemination activities had been carried out as part of an ongoing process.

8. Georgia had had continued fruitful cooperation with the special procedure mandate holders. Its commitment was underlined through its standing invitation. Several visits had occurred during the second review cycle, and more were planned for 2016.

9. Georgia enumerated its major achievements since the first review period, starting with the successful completion of a cycle of democratic and competitive elections which had created a precedent for the peaceful transfer of power in 2012. The 2012 parliamentary, 2013 presidential and 2014 local elections had all been assessed by international observers as having been free and fair. Various constitutional amendments had entered into force following the transfer of power. They had introduced new regulation of the balance of power and mechanisms for greater accountability at all levels of Government.

10. In 2014, following the transparent involvement of civil society and international actors, Georgia had adopted its first comprehensive long-term human rights strategy, for the period 2014-2020, and a subsequent action plan for the period 2014-2015. That strategy had been elaborated on the basis of the recommendations of the national human rights institution, OHCHR, national and international human rights non-governmental organizations and the report of the European Union Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia. The strategy strengthened the rights-based approach that would drive State policy and programmes and identify the relevant rights holders and duty bearers. The Human Rights Inter-agency Council under the Prime Minister, which included civil society and international organizations with the right to vote, was responsible for the effective implementation and monitoring of the strategy. The Council was accountable before Parliament through the submission of an annual report.

11. The comprehensive anti-discrimination law, adopted in 2014, was an important development, as the first legislative mechanism in Georgia that explicitly prohibited all forms of discrimination, including on the basis of gender identity, in both the public and private sectors. The Public Defender was tasked with monitoring its implementation.

12. In order to strengthen systems for the protection of human rights, both the President and the Prime Minister had appointed advisers on human rights issues. Within the Foreign Ministry, an ambassador-at-large was responsible for the human rights portfolio.

13. Georgia stated that its judiciary had benefited from wide-ranging reform. For example, in 2013 the High Council of Justice – the country's key judicial institution – had become more democratic, open and transparent. Civil society representatives and academics had replaced members of Parliament sitting in the Council, and television cameras had now been allowed into courtrooms. In 2014, life tenure for judges had been introduced, together with new transparent and objective criteria and procedures for the appointment and appraisal of judges by the Council. Further reforms were under way.

14. Turning to reforms in the law enforcement sector, Georgia stated that the Government had divided police and intelligence functions, with the police acting as a community-oriented agency to prevent and combat crime. Reforms had also been implemented in the migration services and with regard to the protection of personal data by the police. Human rights was now an essential subject in the police academy, considerable work had been done to address domestic violence, the recruitment of women had been increased and anti-discrimination guidelines for police officers had been introduced.

15. Georgia outlined reforms undertaken to depoliticize and strengthen the prosecution. The prosecutorial powers of the Minister of Justice had passed to the Chief Prosecutor, while a gender-balanced Prosecutorial Council, which included prosecutors, representatives of the legislative and judicial branches and civil society, had recently been established and would nominate candidates for the position of Chief Prosecutor for final selection by Parliament.

16. Georgia considered that torture and ill-treatment had been eliminated as a systemic problem and noted that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had acknowledged the success of the reforms undertaken since 2012.

17. In relation to the penitentiaries, Georgia reported that the number of inmates had been more than halved in 2013 as a result of a large-scale amnesty. The decreased number of inmates had been maintained without a significant impact on public safety. Minimum space for inmates had been guaranteed; internal monitoring of detention mechanisms had been strengthened and external monitoring had been carried out by the Public Defender and the national preventive mechanism. Prisoners enjoyed health services equivalent to those provided to the general public.

18. Reforms since 2012 had built a data protection system, which included a data protection supervisory authority with a head elected by Parliament and a mandate covering the private and public sectors, including law enforcement agencies.

19. Georgia's numerous reforms to improve the media environment and facilitate pluralism included the adoption of legislation on the Board of the Public Broadcaster and measures for the improved financial transparency of television companies, the digital switchover and the obligation to include on cable and satellite services all television stations that broadcast news.

20. Georgia noted that the Public Defender had recognized the positive developments that had occurred following the amendments to the legislation covering assemblies and demonstrations.

21. In the light of Georgia's religious diversity, the Government had decided, in line with best European practice, to set up the State Agency for Religious Issues, which made recommendations based upon research and dialogue between religious associations in Georgia.

22. With respect to finding long-term solutions for internally displaced persons and the protection of their rights during displacement, the delegation outlined the new policies of Georgia, with improved criteria for beneficiary selection and housing allocation procedures. The budget allocation for durable solutions had increased dramatically, and 15,000 families had already been given accommodation. Still, the ultimate goal was a safe, dignified and unconditional return of internally displaced persons who were victims of ethnic cleansing to their places of origin.

23. Protecting women's rights was stated to be one of Georgia's top priorities. Recent developments included several legislative changes and improved maternity leave. National action plans on gender equality, the implementation of Security Council resolution 1325 (2000) and the elimination of domestic violence had also been adopted.

24. In 2015, Parliament had adopted a juvenile justice code aimed at fully incorporating into law the relevant principles enshrined in the Convention on the Rights of the Child and other relevant international standards. Furthermore, Georgia had committed itself, within the National Strategy on Human Rights for 2014-2020, to further improving the educational system, developing health-care and social services, reducing poverty and child mortality and ensuring the effective protection of children from violence. Financial assistance for children with disabilities and social-care programmes had also been significantly increased.

25. Georgia had ratified the Convention on the Rights of Persons with Disabilities in 2014. The coordination of its implementation was led by the Prime Minister, and an action plan had been adopted to ensure equal opportunities for persons with disabilities.

26. Georgia reported that it had made significant progress in the protection of labour rights, including through amendments to the Labour Code in 2013 based upon International Labour Organization standards. A mediation service had been created in order to prevent and resolve labour disputes, along with a State programme for the monitoring of labour conditions. The Government would continue to strengthen the labour inspectorate mechanism.

27. Georgia stated that its civic integration policy was aimed at protecting the rights of national minorities, ensuring civic integration and supporting the further development of a tolerant environment. The civic equality and integration strategy, and the respective action plan, for 2015-2020 would further contribute to ensuring equality, the participation of ethnic minorities in all spheres of public life and the preservation of their cultures and identities.

28. Georgia highlighted the launch in 2013 of the "Georgia 2020" socioeconomic development strategy, aimed at guaranteeing the right to health and a universal health-care programme, as well as the launch of a programme to eliminate hepatitis C, providing the population with a pre-diagnostic examination, the latest medicines and monitoring.

29. The delegation stated that Georgia had consistently pursued policies aimed at ensuring the full enjoyment of rights for the entire population, but the foreign military occupation of Georgia's regions of Abkhazia and Tskhinvali/South Ossetia gravely affected the human rights situation in those regions. It noted that human rights violations occurred frequently in the occupied territories, including but not limited to subjecting people to arbitrary detention, systematic violation of property rights, restrictions on the freedom of movement and denial of the right to education in one's native language. It was concerned that, in 2011, the occupying forces had intensified the process of installing barbed wire fences and other obstacles along the occupation line in both regions. Georgia was particularly alarmed that no international monitoring mechanisms were allowed access and quoted the assessment by the former Human Rights Commissioner Navi Pillay of the Tskhinvali region as "a black hole" and "one of the most inaccessible places on earth, with no access permitted for international agencies". It stated that the dire situation clearly demonstrated the urgent need for the active involvement of OHCHR and the special procedure mandate holders.

B. Interactive dialogue and responses by the State under review

30. Croatia commended Georgia for its achievements in addressing torture and ill-treatment in the prison system. It welcomed the adoption of the anti-discrimination law and the proclamation of 2014 as the year of women's rights.

31. The Czech Republic acknowledged the genuine efforts that had been made by Georgia to improve respect for human rights and the rule of law since the previous review cycle.

32. Denmark commended Georgia for the progress achieved on the four recommendations it had put forward during the first review. It was concerned by the extensive use of pretrial detention and the occurrence of lengthy detentions that were disproportionate to the crimes alleged.

33. Djibouti welcomed the progress made in the implementation of recommendations accepted during the previous review cycle, including the adoption of the Law on the Elimination of All Forms of Discrimination.

34. Egypt noted the role played by the national inter-agency coordination mechanism. It regretted that the criminal code did not prohibit racist discourse, the dissemination of ideas based on racial superiority or expressions of racial hatred.

35. Estonia supported the territorial integrity of Georgia and stood for free access by Georgian and international institutions to observe the human rights situation in the occupied territories. It commended Georgia for cooperating with the International Criminal Court.

36. France welcomed the ratification of the Convention on the Rights of Persons With Disabilities and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). France asked whether Georgia planned to strengthen the Public Defender's Office and allocate additional resources to implement the anti-discrimination law.

37. Germany welcomed the improvement of the situation regarding freedom of the press and independent journalism. However, a recent court case adjudicating the ownership and management of a television channel gave reason for concern.

38. Ghana commended the ratification of the Convention on the Rights of Persons with Disabilities and called on Georgia to consider also ratifying its Optional Protocol. Ghana was concerned at reported attempts by the Government to influence some media outlets.

39. Greece highlighted progress in the promotion of gender equality, recent reforms in the field of the protection of persons with disabilities and progress in the fight against trafficking in persons, which remained an important challenge.

40. Honduras welcomed the adoption of the law against discrimination and the measures taken in 2014 and 2015 to protect internally displaced persons and ensure their welfare.

41. Hungary noted that the implementation of the Convention on the Rights of Persons with Disabilities was still lacking. It saw room for further improvement with regard to investigating reports of torture or ill-treatment and prosecuting cases that involved such treatment. Hungary regretted that corporal punishment of children was still lawful in Georgia.

42. Iceland welcomed the introduction of the national plan of action for gender equality and urged Georgia to ensure that sanctions were sufficient to discourage and prevent discrimination, and to take further steps in that regard.

43. Indonesia stated that the rights of migrant workers should be one of the priorities of the international community. It welcomed the adoption of the national strategy for the protection of human rights in Georgia and its action plan.

44. Ireland commended Georgia for hosting several visits of the special procedure mandate holders and for responding to the majority of their communications. Ireland noted ongoing concerns, including the use of pretrial detention as a preventive measure and the timeliness of trials.

45. Italy welcomed the adoption of the national strategy for the protection of human rights and its corresponding action plan, as well as the plan for the elimination of domestic violence. It expressed appreciation for the establishment of a State agency for religious issues.

46. Japan commended Georgia for the adoption of the Law on the Elimination of All Forms of Discrimination in May 2014, but noted that the participation of women in policymaking processes, as recommended during the first review cycle, had reportedly not improved.

47. Latvia valued the cooperation and openness of Georgia with the special procedure mandate holders. It regretted that those mandate holders had been unable to visit the

occupied territories in view of the deteriorating human rights situation in Abkhazia and South Ossetia.

48. Lithuania welcomed progress made in the reform of the judiciary, the strengthening of the independence of the High Council of Justice and the strengthening of the Legal Aid Service. It commended efforts to ensure decent conditions for all internally displaced persons and refugees.

49. Mexico welcomed the decision to allocate resources for the Public Defender and acknowledged the efforts made to strengthen the normative human rights framework, through the adoption of the human rights strategy and other measures.

50. Montenegro welcomed progress made between the two review cycles and expressed appreciation for the amendments made in 2014 to the Prison Code. It asked for more information on measures taken to ensure the independence and accountability of the Prosecutor's Office.

51. Morocco said it was encouraged by the adoption of the action plan against torture, the reform of the judiciary and the lifting of restrictions on freedom of expression. It welcomed the adoption of the action plan against domestic violence.

52. Myanmar commended Georgia for ensuring equal opportunities for persons with disabilities and for having ratified the Convention on the Rights of Persons with Disabilities.

53. Namibia took note of the significant steps undertaken in the field of judicial reform and encouraged Georgia to take further action improve the independence and depoliticization of the judiciary.

54. The Netherlands noted challenges in the fields of women's rights, rule of law and the conduct of law enforcement, and expressed its appreciation for the process of domestic reform.

55. Nigeria expressed concern about alleged arbitrary arrests and ill-treatment of members of minority groups and foreigners by law enforcement officials, and called on Georgia to comply with its human rights obligations to all persons in accordance with international law.

56. Norway urged Georgia to ensure that ongoing reforms led to institutional guarantees of the independence of the judiciary. It was concerned that Georgia was still plagued by poor prison conditions and about attitudes in society towards minorities.

57. Oman highly appreciated efforts undertaken by Georgia to introduce a national action plan for the 2014-2016 period to promote equal opportunities for persons with disabilities and the guarantee in law of free public education for all.

58. Panama drew attention to progress achieved in the area of children and welcomed the fact that Georgia had ratified numerous human rights instruments.

59. In responding to the issues raised, Georgia put special emphasis on the building of institutional democracy and the system of functional institutions through changing both institutions and institutional culture. The latest judicial reforms were aimed at depoliticizing the High Council of Justice and ensuring the transparency of the judiciary, as well as providing for greater transparency of judicial proceedings, the independence of judges and their involvement in the management of the courts. Judges were now elected based on two criteria: integrity and competence. All judges would be selected through open competition, and additional guarantees of non-interference with judiciary would be put in place.

60. Georgia stated that, following the reforms, administrative functions in the judiciary would be implemented by court managers: chairs of the courts would no longer possess that

function. Only the High Council of Justice would be able to initiate disciplinary proceedings against judges. Automatic allocation of cases to individual judges would be introduced and judges could be moved to different courts only on the basis of their consent. Disciplinary proceedings would also be refined.

61. Georgia noted that, under the recently adopted Juvenile Justice Code, cases involving juveniles would be handled by specially trained judges, prosecutors, probation officers and other professionals. Mediation and alternative sanctions to imprisonment would also be used.

62. Georgia stated that it attached particular importance to the accountability and oversight of criminal proceedings. That function was implemented by the Chief Prosecutor's office. Since 2014, thorough reform had been under way. For example, the Council would be vested with powers to conduct investigations of the Chief Prosecutor, if necessary.

63. Georgia reiterated that combating torture had become a top priority and enumerated its own observations concerning the elimination of systematic torture since 2012 and the findings of the Special Rapporteur. In May 2015, a national anti-torture action plan had been adopted. Georgia recognized that systemic work on the issues needed to continue.

64. Turning to the issue of pretrial detention, Georgia underlined the introduction of the principle of periodic and automatic review of pretrial detention, under which a judge had to review such detention at least once every two months. Georgia highlighted the reduction in the use of pretrial detention from 54 per cent of cases in 2010 to 32 per cent in 2014.

65. In relation to prison conditions, Georgia highlighted the improvements and the positive assessments of international mechanisms, including the Council of Europe Commissioner for Human Rights. Problems related to overcrowding and health care were being tackled. The prison population had decreased from 24,000 to 10,200 people, and minimum space per inmate had increased from 2 m^2 to 4 m^2. Improvements in health-care infrastructure and services had led to a decrease in mortality in prisons, from 144 deaths in 2011 to 11 deaths in October 2015. Similarly, the number of new cases of tuberculosis had decreased from 601 in 2012 to 49 in 2015. Numerous programmes were being implemented, including by international and local civil society actors. The number of convicted juveniles had fallen to 25 and they had full access to education provided by a public school. Since 2012, two prisons had been closed down and numerous others had been refurbished. Halfway houses had been introduced, with the goal of preparing prisoners for release.

66. Turning to non-discrimination, Georgia noted that the new anti-discrimination law included a non-exhaustive list of the grounds of discrimination and outlined the activities of the Public Defender in monitoring implementation of the law.

67. Georgia highlighted its close cooperation with United Nations agencies in the implementation of the Convention on the Rights of Persons with Disabilities.

68. Georgia shared the concerns expressed about gender-based violence. Since 2014, the inter-agency council on domestic violence had restarted its work with a renewed composition. The group had the power to grant the status of victim of domestic violence. Subsequent to relevant training, the group had become operational in 2015. Furthermore, an advisory council, comprising civil society and international organizations, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), had been set up. New action plans would be developed in 2016. Georgia provided statistics on the reporting and prosecution of cases which indicated the progress achieved with the measures taken to date.

69. Paraguay welcomed the adoption of the Law on the Elimination of All Forms of Discrimination and the ratification of the Convention on the Rights of Persons with Disabilities. It regretted the continuing situation of internal displacement and expressed concerns with regard to violence against women.

70. The Philippines noted the institutional and legislative reforms introduced to improve the criminal justice and penitentiary systems of Georgia and to widen protection of victims of trafficking, especially children.

71. Poland recalled the invitation of the Secretary-General to all stakeholders to grant unimpeded access to OHCHR to monitor, report on and address the human rights situation in the Abkhazia and Tskhinvali/South Ossetia regions of Georgia.

72. Portugal commended the submission by Georgia of a midterm progress report on the implementation of the universal periodic review recommendations and welcomed the ratification of the instruments relating to statelessness and the Convention on the Rights of Persons with Disabilities.

73. The Republic of Korea welcomed the adoption of the Law on the Elimination of All Forms of Discrimination and the Juvenile Justice Code. It noted the adoption of the action plan for combating domestic violence.

74. The Republic of Moldova noted the good coordination of State actions in the area of human rights. It recognized the achievements of Georgia in respect of the integration of minorities, juvenile justice and the combating of torture.

75. The Russian Federation was concerned that its recommendations in the first review cycle had been disregarded. It disagreed that the situation in Abkhazia and South Ossetia could be considered in the present review, as their sovereignty had been recognized by others.

76. Rwanda welcomed the adoption of the Law on Gender Equality and the health strategy aimed at promoting the health of mothers and children. It commended the action plan and measures for combating domestic violence.

77. Serbia welcomed the strengthening of the normative and institutional human rights framework, the adoption of the anti-discrimination law and the designation of the Public Defender to monitor its implementation.

78. Sierra Leone commended recent developments. It urged Georgia, inter alia, to take steps to improve religious tolerance, condemn hate speech and acts of violence against religious minorities and facilitate the birth registration of Roma.

79. Singapore noted the positive steps taken by Georgia, including the adoption of the national human rights strategy and action plan, the plan on gender equality and the Law on the Elimination of All Forms of Discrimination.

80. Slovakia commended the ratification of several human rights instruments and other measures undertaken by Georgia. It was concerned about freedom of the media and called upon Georgia to ensure pluralism of the media in compliance with international standards.

81. Slovenia noted positive developments such as legislative progress in the area of discrimination and gender equality. It referred to calls from international organizations for more attention to be given to the situation of human rights in South Ossetia and Abkhazia.

82. Spain welcomed the accession of Georgia to the Convention on the Rights of Persons with Disabilities, the adoption of a new action plan against torture and the process of improving the prison system. Also, it assessed positively the development of a strategy for internally displaced persons.

83. Sweden commended the adoption of the Law on the Elimination of All Forms of Discrimination and considered the establishment of an efficient mechanism for implementing that law to be critical. It noted that more needed to be done to implement legislation on gender equality.

84. Switzerland was concerned by persistent deficiencies in the judiciary. It noted that 17 per cent of girls were married before their eighteenth birthday and recalled that the Committee on the Elimination of Discrimination against Women had recommended that Georgia adapt the civil code so as to prevent forced marriage.

85. Tajikistan took note of the readiness of Georgia to cooperate with activities promoting human rights and of its efforts to strengthen and protect human rights through the advancement of its regulatory and legislative framework.

86. The former Yugoslav Republic of Macedonia noted with concern the increasing death toll among women as a result of domestic violence, developments regarding the high dropout rate of minority students, especially girls, and the continued practice of early marriage.

87. Turkey commended achievements in the area of violence against women and gender equality and reform of the judiciary. It encouraged Georgia to continue addressing the difficulties encountered by Meskhetian Turks with regard to acquiring citizenship, language learning, education and employment.

88. Turkmenistan commended Georgia for appointing a human rights adviser to the President, an assistant to the Prime Minister on human rights and gender equality issues, and an ambassador-at-large on human rights within the Ministry of Foreign Affairs.

89. Ukraine encouraged Georgia to increase awareness among internally displaced persons of their rights and the support programmes available to them, to shift from status-based to need-based assistance for such persons, and to develop a system of probation and alternative sanctions.

90. The United Kingdom of Great Britain and Northern Ireland welcomed significant progress on human rights reform. It encouraged Georgia to continue judicial reform, and to ensure a pluralistic media landscape for free and fair elections in 2016.

91. The United States of America commended reforms made by Georgia in several fields. It was concerned, inter alia, about shortcomings in the legal system and the absence of international monitors in the parts of Georgia's territory that it did not control.

92. Uruguay praised the inclusive process of preparation of the national report, the establishment of a committee to follow up recommendations and the submission of a midterm report. It welcomed the efforts of Georgia to protect the human rights of refugees.

93. Albania commended the Government for recent developments in legislation, including the adoption of the anti-discrimination law and the human rights strategy and action plan, monitored by the Human Rights Secretariat and the Human Rights Inter-agency Council.

94. Algeria welcomed the efforts to further adapt Georgia's national human rights legal framework to universal standards. It praised the reform of the judiciary initiated in 2012 and the significant improvements introduced in the prison system.

95. Andorra was particularly pleased by the recent ratification of the Convention on the Rights of Persons with Disabilities, as well as the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

96. Argentina commended the national process of Georgia for following up on recommendations and the adoption of the Law on the Elimination of All Forms of

Discrimination. It was concerned by acts of physical violence and harassment of sexual minorities.

97. Armenia commended Georgia for the adoption of a comprehensive human rights strategy, along with the national action plan for its implementation, and welcomed the steps taken towards the preservation and promotion of cultural and ethnic diversity in the country.

98. Australia welcomed the increased level of media freedom and the improvement in prison conditions. It urged the de facto authorities in Abkhazia and South Ossetia to provide for credible international human rights monitoring.

99. Austria commended Georgia for the ratification of the Convention on the Rights of Persons with Disabilities and asked the delegation how efforts to comprehensively implement it would be strengthened. Austria was concerned about ill-treatment and torture and the level of participation of women in public life.

100. Belarus said that Georgia deserved high marks for its approach to implementing recommendations from the first review cycle. It welcomed the adoption of the national action plan for combating domestic violence and the action plan for gender equality.

101. Belgium welcomed the adoption of a law and plan of action on gender equality, as well as a general law against discrimination. It was concerned at the absence of key institutions related to the rule of law.

102. Bosnia and Herzegovina commended the inclusive consultation process in the preparation of the national report. It also commended the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

103. Botswana appreciated the adoption of the human rights action plan and strategy and other measures. It commended efforts to address women's rights and domestic violence but was concerned at reports of intolerance against members of religious minorities and of child marriage.

104. Brazil commended progress since the first review, including the ratification of several international human rights instruments and the adoption of human rights action plans and strategies. It was concerned about a lack of access to family planning services.

105. Bulgaria appreciated the creation of the national coordination mechanism for the national human rights strategy and action plan. It commended the adoption of the comprehensive anti-discrimination law and noted prison health-care reforms.

106. Canada welcomed improvements to democracy in Georgia and to the operating environment for the media and civil society. It encouraged Georgia to develop a strategy to better integrate women in governmental decision-making.

107. Chile drew attention to the adoption of the human rights strategy for 2014-2020 and its plan of action, and commended the reforms to the operational organization of the judiciary.

108. China was pleased by the development of the human rights strategy and action plan, the economic and social development strategy and the civic, equality and integration strategy and action plan. It welcomed the ratification of the Convention on the Rights of Persons with Disabilities.

109. Colombia drew attention to the 2014 Law on the Elimination of All Forms of Discrimination and to progress made in women's rights through the adoption of legislation against gender discrimination.

110. Costa Rica noted the adoption of the national strategy for human rights and its action plan. It also noted shortcomings with regard to guaranteeing due process and unequal allocation of public resources to political parties.

111. Noting the contributions from several States on the issue during the interactive dialogue, Georgia emphasized that freedom of the media and freedom of expression lay at the heart of its priorities. Numerous reforms to facilitate media pluralism had been implemented, including legislative enactments and institutional safeguards. It provided details on the number of channels available since the digital switchover and highlighted its improved ranking in the various indices of world media freedom.

112. Georgia reiterated that the Russian Federation continued to occupy two of its regions, in violation of the Charter of the United Nations, norms and principles of international law, the 12 August 2008 ceasefire agreement brokered by the European Union, and all Security Council and General Assembly resolutions on Georgia. Georgia stated that due to the occupation it was not in a position to effectively protect the rights of its compatriots in those territories. It also stated that the illegal military presence and effective control of the occupied territories of Georgia by the Russian Federation made that State an occupying power. Until the complete end of the occupation of Georgia, the responsibility for the situation in the occupied territories rested with the Russian Federation.

113. Georgia stated that a range of legislative provisions and concrete activities had been implemented to guarantee protection of the rights of ethnic minorities and to ensure their involvement in civic processes. Under the Georgian Criminal Code, crimes committed on the basis of ethnic or national background were considered as having an aggravating circumstance. The adopted Law on State Language included provisions for the use of national minority languages in the regions with a large minority population. With respect to the Roma, programmes for their registration, as well as their education, had also been implemented. Ethnic minorities had access to all levels of education, and State language programmes had been implemented for them.

114. Georgia indicated that the participation of ethnic minorities in political processes was ensured. Access by ethnic minorities to information and the media was provided, including through broadcasting in five minority languages.

115. In closing, Georgia thanked the delegations that had contributed to the review, including those which had submitted questions in advance, and in particular those which had referred to the need to address the human rights situation in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia.

II. Conclusions and/or recommendations**

116. **The recommendations formulated during the interactive dialogue and listed below enjoy the support of Georgia:**

116.1 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);**

116.2 **Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All**

** Conclusions and recommendations have not been edited.

Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain);

116.3 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Uruguay);**

116.4 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Honduras);**

116.5 **Consider ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (Panama);**

116.6 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);**

116.7 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Montenegro);**

116.8 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);**

116.9 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

116.10 **Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Slovakia);**

116.11 **Ratify early the International Convention for the Protection of All Persons from Enforced Disappearance (Japan);**

116.12 **Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Slovenia);**

116.13 **Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Austria);**

116.14 **Accede to Optional Protocol to the Convention on the Rights of Persons with Disabilities (Turkey);**

116.15 **Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Ghana);**

116.16 **Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Italy);**

116.17 **Ratify the Istanbul Convention of the Council of Europe on violence against women and domestic violence (Turkey);**

116.18 **Further strengthen cooperation with the Human Rights Council and its mechanism (Myanmar);**

116.19 **Continue cooperating constructively with the universal human rights mechanisms and continue the practice of cooperation and dialogue with civil society (Tajikistan);**

116.20 **Continue and intensify cooperation with the international community in order to ensure access of international human rights and humanitarian actors and monitoring mechanisms to Abkhazia, Georgia, and Tskhinvali region/South Ossetia, Georgia, to monitor, report and address the human rights situation of internally displaced persons (Lithuania);**

116.21 **Continue engagement with the international community for ensuring access of international human rights monitoring mechanisms to the regions of Georgia, namely Abkhazia and Tskhinvali region/South Ossetia (Ukraine);**

116.22 **Intensify engagement with the international community for ensuring access of international human rights monitoring mechanisms to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia (Republic of Moldova);**

116.23 **Submit its overdue report to the Committee on Economic, Social and Cultural Rights and the Committee against Torture (Sierra Leone).**

117. **The following recommendations enjoy the support of Georgia, which considers that they are already implemented or in the process of implementation:**

117.1 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay);**

117.2 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Egypt);**

117.3 **Consider ratifying the International Convention for the Protection of the Rights of Migrant Workers and Members of Their Families (Indonesia);**

117.4 **Study the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Mexico);**

117.5 **Take concrete steps to harmonize its national legislation with the Convention on the Rights of Persons with Disabilities and to ratify its Optional Protocol (Hungary);**

117.6 **Take effective and coordinated measures on the issue of violence against women and domestic violence, including ratification of the Istanbul Convention on preventing and combating violence against women and domestic violence (Netherlands);**

117.7 **Increase respect for the rights of all citizens by strengthening anti-discrimination legislation and enforcement mechanisms and ensuring law enforcement provides universal equal treatment and due process (United States of America);**

117.8 **Improve the Law on Gender Equality to be in line with its Law on the Elimination of All Forms of Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women (Rwanda);**

117.9 **Take active measures to combat discrimination and violence against women and improve its Law on Gender Equality in order to align it with the Convention on the Elimination of All Forms of Discrimination against Women (Namibia);**

117.10 **Bring into line the Law on Gender Equality with the Law on the Elimination of All Forms of Discrimination, combating the patriarchal attitudes and stereotypes on the roles and responsibilities of women and men (Albania);**

117.11 **Continue efforts towards the adoption of administrative and legislative measures to achieve equality of women, in particular to ensure their**

access to social and health services in all areas of Georgia and provide the same work and pay opportunities to men and women (Mexico);

117.12 **Strengthen existing law and practice to combat gender-based discrimination and sexual harassment, inter alia, with regard to labour (Poland);**

117.13 **Modify its criminal law to criminalize all forms of racial discrimination (Sierra Leone);**

117.14 **Provide legislation explicitly prohibiting corporal punishment of children, including in the home, and consider awareness-raising activities to increase public knowledge about the issue (Estonia);**

117.15 **Clearly prohibit all corporal punishment of children in all settings, including at home, and make awareness-raising campaigns to increase public knowledge about its harmful effects (Hungary);**

117.16 **Abandon the practice of corporal punishment of children and encourage non-violent forms of discipline (Poland);**

117.17 **Continue its efforts to eliminate child marriage, including through considering to set the age of entry into marriage at 18 years (Egypt);**

117.18 **Continue its efforts to strengthen the institutional and normative human rights framework with regard to freedom of expression (Serbia);**

117.19 **Harmonize the law with the Convention relating to the Status of Refugees (Honduras);**

117.20 **Continue its efforts to further promote human rights (Djibouti);**

117.21 **Continue working with the national mechanisms that defend the social rights of the most vulnerable groups of the population (Tajikistan);**

117.22 **Observe all human rights principles and international conventions, and raise awareness among the population regarding human rights values (Turkmenistan);**

117.23 **Adopt and implement in due course the proposed Civic Equality and Integration Strategy and Action Plan for 2015-2020, with a sound financial political backing (Norway);**

117.24 **Strengthen the Gender Equality Council (Latvia);**

117.25 **Further effectively implement the National Action Plan on Gender Equality and the Action Plan for Combating Domestic Violence by ensuring required financing and reinforcing the capacities of professionals (Lithuania);**

117.26 **Continue to strengthen and support the effectiveness of the Georgian National Preventive Mechanism (Denmark);**

117.27 **Take all measures in further implementing the Action Plan for the Protection of Human Rights in Georgia, in particular by allocating sufficient funding from its national budget (Indonesia);**

117.28 **Continue implementing the national strategy for the promotion and protection of human rights (Tajikistan);**

117.29 **Promote new actions and initiatives to continue progressing in its efforts to implement the National Human Rights Strategy (Turkmenistan);**

117.30 **Consider instituting an action plan that defines measures to prevent and combat discrimination on different grounds in all levels of governance in the country (Serbia);**

117.31 **Analyse the possibility of establishing a national system of follow-up to international recommendations (Paraguay);**

117.32 **Ensure effective implementation of the laws on the elimination of all forms of discrimination and gender equality, including by putting in place effective enforcement mechanisms and raising awareness about the provisions of the legislation (Slovenia);**

117.33 **Include in the implementation of its anti-discrimination legislation effective measures that strengthen religious tolerance, gender equality and equal rights for ethnic minorities, women and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, so as to increase tolerance and social inclusion in Georgian society (Netherlands);**

117.34 **Improve the implementation of the anti-discrimination law, including disseminating the information on its provisions to the public as well as the personnel of the justice and law enforcement systems and strengthen the role of the Ombudsperson in this regard (Czech Republic);**

117.35 **Strengthen efforts towards promotion of gender equality (Greece);**

117.36 **Undertake further measures to improve the de facto position of women by implementing international commitments from the Committee on the Elimination of Discrimination against Women and the Beijing Platform for Action, through concrete and effective policies and programmes (Iceland);**

117.37 **Continue to prioritize gender equality and consider the incorporation of international best practices in policies and legislation relating to the employment of women and combating violence against women (Singapore);**

117.38 **Make further efforts to ensure human rights for women and develop effective mechanisms for the monitoring, investigation and punishment of offenders in cases of violence against women (Republic of Korea);**

117.39 **Take all necessary measures to promote women's rights and fight domestic violence and forced marriages (France);**

117.40 **Continue to implement measures to promote the participation of women in society (Japan);**

117.41 **Take measures in order to combat hate speech and xenophobia (Namibia);**

117.42 **Address proactively issues of racial and all forms of discrimination in Georgia (Nigeria);**

117.43 **Address violence and hate speech against religious minorities (Nigeria);**

117.44 **Take all necessary measures to effectively fight against discrimination, including against religious minorities and LGBTI persons (France);**

117.45 **Development of training programmes for judges, personnel of the judiciary, penitentiaries and police forces, regarding the implementation and interpretation of the laws criminalizing racism-related offences (Chile);**

117.46 **Provide appropriate services with the necessary resources, including to train and raise the awareness of the judiciary and the public, in order to ensure that these new measures adopted to fight racial discrimination or gender/sexual identity discrimination are effective (Belgium);**

117.47 **Combat social stigmatization, hate speech, discrimination and violence motivated by sexual orientation or gender identity (Argentina);**

117.48 **Improve implementation and enforcement of the Law on the Elimination of All Forms of Discrimination, particularly in its application towards the protection of individuals belonging to sexual and religious minority groups (Canada);**

117.49 **Support public education campaigns to combat hate speech, discrimination and violence related to sexual orientation and gender identity, as well as social stigmatization of LGBT persons (Brazil);**

117.50 **Strengthen its policy aimed at preventing torture, ill-treatment and other cruel or inhumane treatment by the sentence-execution officers in Georgian penitentiary establishments (Bulgaria);**

117.51 **Enhance efforts to ensure compliance with international standards as set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Hungary);**

117.52 **Adopt the necessary measures to improve the living conditions of detainees and avoid prison overcrowding (Andorra);**

117.53 **Continue addressing overcrowding in prisons and ensure that minimum standards are met, as previously recommended (Austria);**

117.54 **Develop a high standard of human resource management to avoid administrative infractions and human rights violations in prisons (Bosnia and Herzegovina);**

117.55 **Continue the efforts to strengthen human rights protection in penitentiary establishments (Bulgaria);**

117.56 **Continue improving the conditions in prisons, particularly to focus on conditions around pretrial detention (Australia);**

117.57 **Provide female prisoners with long-term visits, especially taking into account the best interest of their children (Croatia);**

117.58 **Take the necessary measures to fight violence against women and domestic violence (Algeria);**

117.59 **Step up awareness-raising and preventive measures on the issue of domestic violence (Belarus);**

117.60 **Take measures to prevent domestic violence, including by raising awareness, encouraging women to report acts of sexual and domestic violence, protecting the victims and ensuring the effective investigation, prosecution and punishment of perpetrators (Slovenia);**

117.61 **Improve protections for victims of domestic violence, including by ensuring timely investigations, prosecuting perpetrators, and training police in risk-based assessments (Canada);**

117.62 Establish centres supporting women and girl victims of gender violence (Spain);

117.63 Redouble its efforts in the fight against domestic violence by ensuring effective investigation into incidents of domestic violence and providing adequate support and assistance to victims (the former Yugoslav Republic of Macedonia);

117.64 Take steps to address reported allegations of child and early and forced marriages (Ghana);

117.65 Prevent the practice of child marriage among all ethnic groups (Portugal);

117.66 Implement the recommendations of the Committee on the Elimination of Discrimination against Women for better observance of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, in particular effectively apply the ban on early and forced marriages, including through the adjustment of the national legal framework, by paying particular attention to vulnerable groups (Switzerland);

117.67 Increase efforts to eliminate early marriages through, implementation of the relevant recommendation made by the Committee on the Elimination of Discrimination against Women (the former Yugoslav Republic of Macedonia);

117.68 Reinforce the capacities of professionals in the identification, referral and protection of victims of gender-based violence and provide legal and medical support to victims (Republic of Moldova);

117.69 Develop prevention strategies on gender-based violence and establish rehabilitation services for victims of violence (Norway);

117.70 Continue to implement the legislation on domestic violence and ensure training of law enforcement officials to identify all forms of domestic violence (Slovakia);

117.71 Implement policies for the effective combating of domestic violence, including information and awareness-raising programmes to prevent this scourge (Chile);

117.72 Ensure that its strategies for addressing domestic violence are effectively implemented, monitored and sustained (Philippines);

117.73 Increase training of teaching staff throughout the country, so that they are better prepared to identify situations of abuse or domestic violence against children (Paraguay);

117.74 Continue efforts in the fight against human trafficking (Greece);

117.75 Ensure justice that is independent and transparent, and that respects the right to defence (France);

117.76 Pursue its policy of reform towards a fully independent judicial system (Portugal);

117.77 Undertake a comprehensive review of arrangements for the appointment, training and transfer of judges, with a view to ensuring their independence and their full understanding and application of human rights obligations (Ireland);

117.78 **Further strengthen its efforts to combat and investigate ill-treatment of prisoners and detainees (Montenegro);**

117.79 **Adopt measures providing for independent and effective investigation and prosecution of all cases of alleged ill-treatment of persons in detention facilities as well as for remedies for victims (Czech Republic);**

117.80 **Ensure that instances of ill-treatment of prisoners and detainees are eliminated and that proper and thorough investigations are conducted in such situations in order to hold perpetrators accountable (Ireland);**

117.81 **Ensure that all allegations of torture and ill-treatment are thoroughly investigated by an independent mechanism (Turkey);**

117.82 **Ensure the effective investigation of cases of violence against women; prosecute and punish perpetrators (Estonia);**

117.83 **Ensure the effective investigation of episodes of violence against women and domestic violence, to bring perpetrators to justice and provide victims with adequate compensation, protection and assistance (Italy);**

117.84 **Strengthen its national strategy to reform the prison system, in particular to promote the prompt reintegration of juvenile detainees into society (Morocco);**

117.85 **Undertake effective measures to guarantee access to education for juveniles in the penitentiary system (Croatia);**

117.86 **Provide, in accordance with its respective obligations under international human rights law, effective protection to the family as the natural and fundamental unit of the society (Egypt);**

117.87 **Establish a system for birth registration that covers all children without discrimination by reason of race, ethnicity or nationality, sex or religion (Paraguay);**

117.88 **Improve the birth registration system to guarantee registration for every child with the issuance of a birth certificate (Turkey);**

117.89 **Adopt and implement all necessary measures to register the birth of children, particularly children belonging to minorities, who are born in remote areas of the country and guarantee the issuance of birth certificates and other documents (Panama);**

117.90 **Take measures for deinstitutionalization of child-care institutions and development of alternative, family-type services for deprived children (Ukraine);**

117.91 **Protect minorities and ensure the full enjoyment of their freedom of religion or belief in accordance with international human rights law (Ghana);**

117.92 **Promote intercultural and interreligious dialogue and cooperation, as a way of strengthening its non-discrimination programmes and supporting its awareness-raising campaigns against discrimination (Philippines);**

117.93 **Implement a national strategy to promote interreligious and intercultural dialogue and tolerance (China);**

117.94 **Ensure the enjoyment of the right to freedom of religion by everyone, including persons belonging to religious minorities, by punishing those who harass or incite hate speech against religious minorities (Botswana);**

117.95 **Fully respect freedom of expression and media pluralism (Portugal);**

117.96 **Institute measures that guarantee a free and independent media environment (Ghana);**

117.97 **Continue to prioritize safeguarding media freedom (Australia);**

117.98 **Bolster respect for pluralism and open debate by fostering a non-violent environment tolerant of dissenting voices, including those of the opposition, and avoiding politically motivated actions against critical media outlets (United States of America);**

117.99 **Refrain from interfering in the activities of human rights defenders and non-governmental organizations and ensure a safe and enabling environment for their work (Estonia);**

117.100 **Develop a strategy to increase the participation of women in decision-making positions in all branches of the Government (Austria);**

117.101 **Continue working to boost the participation of women in political and executive positions under principles of equality without discrimination, particularly guaranteeing the participation of rural women (Colombia);**

117.102 **Increase efforts and allocation of necessary resources to guarantee greater participation of women in political and leadership positions (Costa Rica);**

117.103 **Undertake further measures for the integration of minorities and the promotion of their representation in Georgian political and public life (Albania);**

117.104 **Improve access to health services for socially vulnerable persons (Algeria);**

117.105 **Improve women's access to high quality health care and health-related services (Rwanda);**

117.106 **Consider improving and promoting education at all levels of public education (Oman);**

117.107 **Further improve the accessibility and quality of education, and increase the enrolment rate of vulnerable children, including girl children and children of ethnic minorities (China);**

117.108 **Consider promoting access to education for girls from ethnic minorities and remove barriers that impede access to education by Roma children (Nigeria);**

117.109 **Continue to pursue policies that will expand opportunities for all children of school-going age to access high quality education, in particular those with special-education needs (Singapore);**

117.110 **Take further steps for the implementation of the Convention on the Rights of Persons with Disabilities (Myanmar);**

117.111 **Advance the implementation of the Convention on the Rights of Persons with Disabilities by improving the inclusion of children and persons with disabilities in education and employment (Austria);**

117.112 **Take further steps to ensure the protection of persons with disabilities (Greece);**

117.113 Carry on making efforts to promote the rights of people with disabilities (Oman);

117.114 Adopt the necessary measures to protect ethnic and religious minorities from all forms of violence and discrimination (Costa Rica);

117.115 Improve the education of persons belonging to minority groups (the former Yugoslav Republic of Macedonia);

117.116 Ensure teaching and preservation of minority languages, by providing adequate general education to students in their native language (Austria);

117.117 Take the necessary steps to address concerns over the rights of vulnerable groups, including internally displaced persons, refugees and migrants, and carry forward measures to integrate them effectively into the broader social and political systems (Republic of Korea);

117.118 Continue to keep the principle of non-refoulement and limit the use and duration of detention for asylum seekers (Republic of Korea);

117.119 Strengthen measures to protect displaced persons and include them in public social development policies (Chile).

118. The following recommendations will be examined by Georgia, which will provide responses in due time, but no later than the thirty-first session of the Human Rights Council, in March 2016:

118.1 Accede to the International Convention for the Protection of All Persons from Enforced Disappearance and recognize its Committee (Uruguay);

118.2 Amend the Law on the Elimination of All Forms of Discrimination to include a mechanism of fines and other sanctions for use by the Public Defender's Office in the event of discriminatory actions (Sweden);

118.3 Amend the criminal code by incorporating the category of racist remarks to clearly define direct and indirect discrimination and recognize that racial, religious, national or ethnic grounds constitute an aggravating circumstance (Djibouti);

118.4 Prevent child marriage by having a minimum age restriction of marriage at 18 without any exception (Botswana);

118.5 Delimit child and early marriage by amending and unifying legislation, in particular, the Civil Code, to define the accepted age of marriage as 18 (Sierra Leone);

118.6 Establish a mechanism that monitors the implementation of the 2014 anti-discrimination legislation and action-oriented strategies (Iceland);

118.7 Strengthen the mechanisms set up by the "Commission of Human Rights and Integration", to ensure the best possible monitoring and evaluation of the human rights situation in the country (Morocco);

118.8 Amend the legislation to ensure an effective follow-up instrument for the public defenders and the members of the national preventive mechanism (Andorra);

118.9 Redouble its efforts to ensure the rights of LGBTI persons and, in line with the Human Rights Committee's recommendations, combat all forms of social stigmatization of homosexuality, bisexuality and transsexuality, and

hate speech, discrimination and violence based on sexual orientation or gender identity (Uruguay);

118.10 **Establish a specialized police unit for investigating hate crimes, closely collaborating with the LGBT community and organizations in order to create a trusting relationship (Sweden);**

118.11 **Take steps to limit the application and length of pretrial detention (Denmark);**

118.12 **Increase the budget allocated to social workers responsible for assisting victims of domestic violence, by including the costs of travel to visits to assess victims and by increasing human resources (Paraguay);**

118.13 **Take concrete steps to streamline and ensure efficiency of judicial procedures concerning gender violence (Spain);**

118.14 **Progress in the implementation of the laws against domestic violence by establishing, in the short term, the centres to support women against sexual abuse, harassment and domestic violence provided for in the new law (Honduras);**

118.15 **Strengthen ongoing efforts against domestic violence by establishing adequate monitoring and investigative mechanisms (Turkey);**

118.16 **Establish a mechanism for the enforcement of protective and restrictive orders relating to domestic violence, to ensure their effectiveness and prevent recurring offences, inter alia, through establishing specialized police units on gender-based violence and domestic violence (Sweden);**

118.17 **Establish effective regulatory mechanisms for promoting development of legal migration and preventing irregular migration and trafficking in human beings (Ukraine);**

118.18 **Implement the recommendations of the European Commission for Democracy through Law (Venice Commission) related to reforms in the system of appointments and probation periods of judges (Norway);**

118.19 **Strengthen the independence of the judiciary and transparency of judicial proceedings and adopt measures preventing political interference in the work of judges (Czech Republic);**

118.20 **Eliminate existing gaps in the legislation governing the work of the High Council of Justice in order to make sure that its powers are balanced by adequate guarantees of transparency and accountability (Sweden);**

118.21 **Continue strengthening the independence and impartiality of the judiciary to ensure the right to a fair trial, including by increasing the transparency of the working methods within the High Council of Justice, the appointment of prosecutors and the allocation of court cases (Switzerland);**

118.22 **Strengthen respect for the rule of law by promoting judicial independence and transparency through the depoliticization of the judiciary and law enforcement authorities, and by strengthening mechanisms to investigate human rights abuses or violations (United States of America);**

118.23 **Take measures to support and strengthen prosecutions for human rights violations by the judiciary, with reference to the recommendations made by the Council of Europe Commissioner for Human Rights, including with**

respect to the strengthening of the independence and effectiveness of the Prosecutor's Office (Belgium);

118.24 **Strengthen mechanisms to guarantee independence and impartiality of the judiciary and law enforcement institutions by implementing precise rules on judicial appointments and police oversight (Canada);**

118.25 **Further improve the justice system by fully implementing international fair trial standards such as ensuring adequate access of lawyers to their detained clients and that confidentiality of communication between them is protected, to ensure access to justice to all persons, including women and minorities (Lithuania);**

118.26 **Introduce as soon as possible the right to silence without restrictions when testifying, in accordance with its human rights international obligations (Switzerland);**

118.27 **Establish an independent investigation mechanism with the mandate to investigate alleged human rights violations committed by law enforcement officials (Norway);**

118.28 **Ensure that all allegations of excessive use of force, including torture and ill-treatment, by police are effectively investigated and that those responsible are brought to justice and victims receive adequate reparation (Poland);**

118.29 **Establish specific measures to investigate alleged cases of ill-treatment of detainees and punish those responsible for such abuses (Spain);**

118.30 **Establish an effective and independent mechanism for investigating complaints against law enforcement officials, increasing public trust that suspected abuses will be properly investigated (United Kingdom of Great Britain and Northern Ireland);**

118.31 **Establish an independent and impartial institution to investigate and prosecute human rights abuses and violations committed by the law enforcement and security forces, in order to ensure that these violations are properly investigated and sanctioned and compensation provided to victims (Belgium);**

118.32 **Develop and implement a strategy to monitor, investigate, and prosecute hate crimes, giving the Public Defender relevant powers and resources to take action against instigators of hate crime (United Kingdom of Great Britain and Northern Ireland);**

118.33 **Ensure the issuance of birth certificates and citizenship documents to the Roma minority (Nigeria);**

118.34 **Strengthen efforts to promote freedom of religion or belief and to protect the rights of persons belonging to religious minorities, including by adopting measures both to address episodes of intolerance and hate speech against religious minorities and to solve outstanding issues related to the ownership and maintenance of places of worship and properties belonging to religious minority groups (Italy);**

118.35 **Continue steps towards the recovery of physical and moral damage to the religious denominations suffered during the Soviet era (Armenia);**

118.36 **Further develop measures to protect freedom of religion, expression and peaceful assembly and continue to build on the progress begun with the**

establishment of the State Agency for Religious Issues and the amendments to the Law on Broadcasting (Republic of Korea);

118.37 **Ensure the right to freedom of expression, in particular through ensuring plurality and independence of the media as well as protection of media outlets critical to the Government from harassment and attacks (Czech Republic);**

118.38 **Adopt concrete measures to encourage stronger participation by women and ethnic minorities in political decision-making processes (Germany);**

118.39 **Continue efforts to enhance social dialogue, as well as to ensure adequate protection and promotion of economic rights of the labour force, e.g. through the establishment of an efficient labour inspection mechanism with executive powers (Germany);**

118.40 **Continue taking steps to ensure the full realization of the right to safe drinking water and sanitation for all, including through adequate investment in the relevant services infrastructure (Egypt);**

118.41 **Allocate the resources necessary for the successful realization of the Strategy of the Health Protection System 2014-2020, which is aimed at strengthening maternal and child health (Belarus);**

118.42 **Take steps to ensure that sexual and reproductive health services, including abortion and contraception services and information, are available, accessible and affordable to all women and girls, especially in rural areas and among vulnerable groups (Denmark);**

118.43 **Ensure universal access to quality reproductive and sexual health services, including contraception services, especially to women in rural areas and those living with HIV/AIDS (Brazil);**

118.44 **Put in place and implement national standards and mechanisms to monitor the quality of education (Oman);**

118.45 **Ensure full-time school attendance at all levels to children belonging to disadvantaged and marginalized groups (Portugal);**

118.46 **Encourage school attendance of girls and remove all obstacles to their access to education including the citizenship requirement beyond the ninth grade (Djibouti);**

118.47 **Adopt measures that are considered relevant to promote learning support for girl children from ethnic minorities in order to reduce the dropout rate (Colombia);**

118.48 **Promote the inclusion on all fronts of cultural and religious minorities and guarantee their access to development (Mexico);**

118.49 **Ensure the availability of textbooks in their mother tongue for the national minorities (Armenia);**

118.50 **Take steps aimed at ensuring the implementation of joint educational programmes and training of teachers in collaboration with the relevant Armenian educational authorities (Armenia);**

118.51 **Adopt a comprehensive action plan to accelerate the repatriation process of Meskhetian Turks, including measures to facilitate their integration and taking into account the educational needs of their children (Turkey);**

118.52 **Take concrete steps to lift or extend the two-year limitation, applicable to Meskhetian Turks who are granted conditional Georgian citizenship, to relinquish any other citizenship previously held (Turkey);**

118.53 **Ensure greater participation of internally displaced persons in decision-making related to projects affecting them, particularly those concerning access to adequate housing (Spain);**

118.54 **Strengthen protection of the economic and social rights of internally displaced persons, including by protecting against unlawful evictions and resolving issues related to legal ownership of living spaces currently inhabited by internally displaced persons (Canada).**

119. **The recommendations below did not enjoy the support of Georgia and would thus be noted:**

119.1 **Criminalize racist statements, incitement to intolerance and racially motivated violence (Russian Federation);**

119.2 **Create an independent and effective body for the investigation of cases of the use of torture and degrading treatment, including against journalists (Russian Federation);**

119.3 **Carry out thorough investigations into violations of human rights in the territories of Abkhazia and South Ossetia committed by the Georgian authorities before and during the 2008 conflict (Russian Federation);**

119.4 **Investigate effectively the attack on the Russian school "Intellect" in Tbilisi and the destruction of its property and punish those responsible (Russian Federation);**

119.5 **End the discriminatory practice of maintaining "black lists" of Russian citizens — natives of the Kazbek district of Georgia — depriving them of the possibility to visit their homes, relatives and the graves of their ancestors (Russian Federation);**

119.6 **Condemn and investigate the frequent acts of violence and expression of hatred against religious minorities (Russian Federation);**

119.7 **Urgently develop and implement an action plan to implement the Strategy for the Repatriation of Meskhetians 2014 (Russian Federation).**

120. **Georgia does not support the recommendations in paragraphs 119.1, 119.2, 119.3, 119.4, 119.5, 119.6 and 119.7 submitted by the Russian Federation, as Georgia states that they are made by the occupying power that directly hinders Georgia's ability to protect the human rights of the population residing in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia.**

121. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Georgia was headed by Deputy Minister of Foreign Affairs Ms. Khatuna Totladze and composed of the following members:

- Mr. Gocha Lordkipanidze – Deputy Minister of Justice of Georgia;
- Mr. Beka Dzamashvili – Head of the Public International Law Department of the Ministry of Justice of Georgia;
- Mr. Archil Talakvadze – Deputy Minister of Internal Affairs of Georgia;
- Ms. Tamar Khulordava – The First Deputy Minister of Corrections of Georgia;
- Ms. Nana Kavtaradze – Head of Executive Department, Ministry of Labour, Health and Social Affairs of Georgia;
- Mr. Irakli Ujmajuridze – Head of Administration Department, Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia;
- Ms. Nino Tuskia – Head of International Relations and Programs Department, Ministry of Education and Science of Georgia;
- Ms. Natalia Jaliashvili – Head of the Human Rights Secretariat of the Administration of the Government of Georgia;
- Mr. Archil Metreveli – Head of Legal Office of the State Agency for Religious Issues of Georgia;
- Ms. Tinatin Gogheliani – Head of Department of Relation with International Organizations and Legal Provision of the Office of the State Minister of Georgia of Reconciliation and Civic Equality;
- Mr. Irakli Chilingarashvili – Head, Legal Department, Office of the Chief Prosecutor of Georgia;
- Mr. Teimuraz Natchkebia – Deputy Head, Investigation Unit, Office of the Chief Prosecutor of Georgia;
- Ms. Sophio Chantadze – Deputy Head of Legal Department, Ministry of Culture and Monument Protection of Georgia;
- Mr. Irakli Giviashvili – Ambassador at Large on the Human Rights Issues at the Ministry of Foreign Affairs of Georgia;
- Ms. Irine Bartaia – Director of International Law Department of the Ministry of Foreign Affairs of Georgia;
- Ms. Eka Kipiani – Counsellor of the International Organizations Department of the Ministry of Foreign Affairs of Georgia;
- Mr. Shalva Tsiskarashvili – Permanent Representative of Georgia to the UN Office and other international organizations in Geneva;
- Mr. Irakli Jgenti – Deputy Permanent Representative of Georgia to the UN Office and other international organizations in Geneva;

- Ms. Ekaterine Meshveliani – Counsellor, Permanent Mission of Georgia to the UN Office and other international organizations in Geneva;
- Mr. Temur Pipia – First Secretary, Permanent Mission of Georgia to the UN Office and other international organizations in Geneva.

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Report of the Working Group on the Universal Periodic Review*

Georgia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Response of Georgia to the remaining 54 recommendations

1. Georgia welcomes the recommendations made in the course of the 2nd cycle of the Universal Periodic Review that took place in Geneva on 10 November 2015. During the review, Georgia has received 203 recommendations. 142 recommendations enjoyed the support of Georgia and 7 recommendations were noted during the adoption of the Working Group Report on 12 November 2015.

2. Subsequent to the review, Georgia has carefully reviewed the remaining 54 recommendations formulated during the interactive dialogue in consultation with relevant agencies and stakeholders, including the Office of the Public Defender of Georgia and civil society representatives. The position of Georgia with respect to those recommendations is given below.

Recommendation	*State position*	*Comments*
118.1	Noted	Although, Georgia has already accepted recommendations as regards the accession to ICPPED, the recognition of the competence of the committee will be decided following the completion of the internal consultations with the relevant agencies.
118.2	Accepted	
118.3	Accepted	According to the paragraph 3^1 of the Article 53 (General principles of imposition of punishment) of the Criminal Code of Georgia (CCG), commission of a crime on the grounds of race, colour, language, sex, sexual orientation, gender identity, age, religion, political or other beliefs, disability, citizenship, national, ethnic or social origin, material status or rank, place of residence or other discriminatory grounds shall constitute an aggravating circumstance for all the relevant crimes provided for by this Code. In addition, the draft amendments to the CCG have been prepared which include revision of Article 142^1 (Racial Discrimination) of CCG to establish criminal liability for public incitement of acts against equality or those triggering violence or hostility due to one's affiliation to any of the aforementioned groups, which could have caused substantial damage.
118.4, 118.5	Accepted	On 1 January, 2016, legislative amendments entered into force restricting minimum age of marriage at 18 without any exception.
118.6	Accepted	

118.7	Accepted	Although, Georgia supports the recommendation, the definition of the "Commission of Human Rights and Integration" needs clarification. We suppose that it might be the Inter-Agency Commission for the implementation of the Civic Integration State Strategy. The Civic Equality and Integration State Strategy and respective Action Plan for 2015-2020 defines specific mechanisms and timelines for monitoring and evaluation. The State Inter-Agency Commission will be created to monitor and report on the implementation of strategy goals and activities, which will be coordinated by the Office of the State Minister of Georgia for Reconciliation and Civic Equality. Members of the Commission will include all major state institutions which have assumed relevant responsibilities according to the Strategy and Action Plan. Thematically relevant working groups will continue to operate within the Inter-Agency Commission. Quantitative and qualitative assessment of the implementation of the policy document is envisaged. Monitoring will be provided by the Council of National Minorities functioning at Public Defender's Office. Financial support of the activities planned in the Action Plan will be provided by the state agencies within their profile and competence.
118.8	Accepted	Partially Implemented. The legislation was amended in 2015 to grant Public Defender and the members of National Preventive Mechanism the right to take photos in the penitentiary establishments during their unrestricted monitoring visits. A Ministerial Order regulating the rules and procedures is being developed in close cooperation with the office of the Public Defender and shall be adopted in the second quarter of 2016 in order to ensure implementation of this right by September 1, 2016. At the same time close cooperation with PDO continues to ensure solid follow-up and implementation of its recommendations through practical measures.
118.9	Accepted	
118.10	Noted	Considering need for country-wide coverage, case-load and need for integrated response to this type of crime, Georgia believes that establishment of a single specialized police unit will not be sufficient mechanism for successful investigation of hate crimes. Therefore, the Ministry of Internal Affairs of Georgia undertakes to identify, assign the task to and train specialized police officers for hate crime investigation in all regional police departments.

118.11	Accepted	In 2014, the Prosecution Service of Georgia elaborated and disseminated to prosecutors the Handbook containing the standards of the European Convention on Human Rights on the use of detentions; the document serves as a guideline for prosecutors on the application of custodial measure of constraint. In July 2015, the Parliament passed amendments to the Criminal Procedure Code to introduce periodic automatic judicial review of pre-trial detention. A presiding judge has to review the necessity of pre-trial detention at least once in two months and should order release of a defendant if no compelling reason for continued detention is found. In 2015 the Prosecution Service of Georgia in association with the Council of Europe and the European Union carried out extensive trainings of all prosecutors in reasoning of the requests for pre-trial detentions in line with ECHR and national legislation.
118.12	Accepted	
118.13	Accepted	
118.14	Accepted	
118.15, 118.16	Accepted	Already implemented. In order to strengthen existing monitoring mechanism, the Ministry of Internal Affairs has established a special commission to supervise and enhance police responses on DV cases. It is envisaged in the relevant legislation as well. In order to strengthen existing monitoring mechanism, the Ministry of Internal Affairs runs separate statistics and analytics for DV and special commission to supervise and enhance police responses on DV cases has been established. Along this, the Ministry of Internal Affairs has identified and trained number of police officers throughout country working on gender based violence cases including domestic violence.
118.17	Accepted	The Migration Strategy for 2016-2020 and its Action Plan for 2016-2017 adopted in December 2015 ensure the precise actions to promote prevention of illegal migration. Common Information Strategy on Combating Human Trafficking determines the target groups and means of preventive activities. Interagency Council on Combating Trafficking in Persons monitors the implementation of the Strategy. Within the framework of the Strategy information meetings are permanently organized, multi-lingual leaflets are produced and widely disseminated, etc. Implementation of the Strategy is monitored and promoted by the Interagency Council on Combating Human Trafficking. Furthermore, in 2015 the Law on Labor Migration was enacted to promote the legal labor migration and prevent illegal migration, including human trafficking. Apart from this, the Law on the Legal Status of Foreigners and Stateless Persons adopted in 2014 promotes the prevention of illegal migration.

118.18	Noted	
118.19	Accepted	The third wave of legislative initiatives to reform judiciary, which are being considered by the Parliament, is focused on creating greater guarantees for independence of judges and ensuring transparency of judicial proceedings.
118.20	Accepted	The third wave of judicial reform includes legislative amendments to ensure and enhance transparency of the High Council of Justice by obliging it to publish at the Council's website information about its decisions, the dates and agenda of its sittings, and any other relevant information related to its activities.
118.21	Accepted	The third wave of judicial reform includes provisions to introduce principle of computer-based random assignment of cases to judges.
118.22	Accepted	See paras.118.19 to 118.21.
118.23	Accepted	On September 18, 2015, the Parliament passed amendments to the law on Prosecution Service which were appraised by the Venice Commission and other international institutions as step in the right direction. Three brand new institutes were introduced to ensure depoliticization, independence and accountability of the prosecution service, including the Prosecutorial Council, the Conference of Prosecutors and the special *(ad hoc)* prosecutor to investigate crime allegedly committed by the chief prosecutor. The Prosecutorial Council consists of the prosecutors elected by their peers, as well as representatives of all the three branches of the government and civil society. The procedures for the appointment of and removal from office of the Chief Prosecutor were fundamentally improved to make the process open and transparent to the public. In particular, the chief prosecutor will be proposed by the Prosecutorial Council and will be elected by the Parliament. Further steps to reform the prosecution service are being contemplated.
118.24	Accepted	Within the third stage of the reform of judiciary the rules on judicial appointments will be improved – the criteria for the appointment of judges will be determined on legislative level and the principle of open competition for every candidate will be introduced. Also please refer to paras. 118.19 to 118.21.
118.25	Accepted	The Criminal Procedure Code ensures a fundamental right of every defendant to see his/her lawyer without any restriction. In 2013, the Parliament lifted a ban upon a defence lawyer to appeal the court's decision on pretrial detention without his/her client's approval, which ban used to compel the lawyers to get signatures from their clients in 48 hours available for appealing pretrial detention. In addition, Georgia has established a strong, professional and independent system of free legal aid and any defendant that cannot afford a lawyer by contract is able to use their services.

118.26	Accepted	Right of a defendant to silence and not to incriminate himself-herself and his/her close relatives is an established right under the Constitution and the Criminal Procedure Code. Similarly, no witness may be compelled to testify against himself/herself and his/her close relatives. Moreover, in December 2015, the Parliament passed amendments to the Criminal Procedure Code whereby it abolished a compulsory witness testimony to investigator or prosecutor. Instead, a voluntary witness interview was introduced as a basic rule. In exceptional cases, a witness may be examined before a magistrate judge at the investigative stage.
118.27, 118.28, 118.29, 118.30, 118.31	Accepted	The Georgian legal framework ensures independent and effective investigation of the facts of torture and ill-treatment. All facts of alleged torture or other inhuman or degrading treatment is subject to immediate and thorough investigation conducted by the competent law enforcement authorities. The commitment to establish thorough, transparent, independent and effective investigative mechanism is manifested in the EU-Georgia Association Agenda, the National Human Rights Strategy and the Action Plan, and reaffirmed in the newly adopted anti-torture action plan. At the meeting (held on 18 May 2015) the council decided that the line ministries will thoroughly analyze the principles upon which the investigation mechanism can be based on. The comments of the relevant agencies were collected by the secretariat and the follow up meeting was held on 23 October 2015 to progress in reaching common ground and chart the way ahead.
118.32	Accepted	
118.33	Accepted	Since 2011 the Public Service Development Agency of the Ministry of Justice of Georgia has been implementing activities to promote registration of Roma population and ensure legal support to respective Roma people. The Government of Georgia affirms that the State Strategy on Civic Equality and Integration and its respective Action Plan for 2015-2020 includes the activity such as undertaking appropriate measures for the documentation of persons without birth certificates and identity cards.
118.34, 118.35	Accepted	Having Accepted these recommendations, Georgia emphasizes that the Georgian State is not a legal successor of the Soviet Totalitarian regime and does not bear any legal obligation to restitute any damages caused by such and also, in the Georgian legislation there are no legal provisions or any base for restitution, accordingly the policy of the state will be implemented under it's discretion and in accordance with the standards recognized by international Human Rights Law.
118.36	Accepted	

118.37	Accepted	Implemented.
118.38	Accepted	Georgia will take efforts to encourage a stronger participation of women and ethnic minorities in political decision-making processes. The Working Group on Ethnic Minority Issues within the Central Election Commission of Georgia ensures equal and active participation of ethnic minorities in the elections processes. Currently, 8 ethnic minority persons are represented in the Georgian Parliament. The representation of ethnic Armenians in Samtskhe-Javakheti region and of ethnic Azerbaijanis in Kvemo Kartli region councils is proportional to the percentage of the population in those regions. The new Civic Integration Strategy envisages specific activities in the area of improving participation of ethnic minorities in political decision making. They include: creation of a special working group on ethnic minorities' political participation within the State Inter-agency Commission; consultations with international organizations and experts on best practices on minorities' political participation in the European countries; active interaction/cooperation with the political parties (experience sharing), awareness-raising campaign on political participation of ethnic minorities in the society.
118.39	Accepted	
118.40	Accepted	
118.41	Accepted	Strengthening material and child health is one of the main priorities of the Social-Economic Development Strategy of Georgia "Georgia 2020" adopted on 17 June 2014 by the Georgian Government.
118.42, 118.43	Accepted	
118.44	Accepted	
118.45	Accepted	
118.46	Accepted	Implemented. According to the Georgian legislation, general education is accessible for all regardless of citizenship. The Ministry also undertakes all necessary steps to encourage school attendance of girls.
118.47	Accepted	

118.48	Accepted	The main strategic goals of civic equality and integration state strategy are as follows: • Representatives of ethnic minorities participate equally and fully in the civic and political life; • Equal social and economic conditions and opportunities are created for ethnic minority representatives; • Representatives of ethnic minorities have access to high quality education at all levels and the level of the state language knowledge is improved; • Culture of ethnic minorities is preserved and tolerant environment is encouraged. Various programs, projects and activities are planned and implemented in order to accomplish the abovementioned goals.
118.49	Accepted	
118.50	Noted	According to the Georgian legislation, development of educational programmes is exclusively the right and obligation of the country. There is already in place 5 credit programme for training and professional development of ethnic minority teachers. However, the Ministry of Education and Science stands ready to collaborate with its Armenian counterparts during development of module of Armenian language and literature.
118.51	Accepted	Georgia cannot accept the term "Meskhetian Turks" mentioned in Recommendations 118.51 and 118.52. The commitments undertaken by the Government with the accession to the Council of Europe, indicates the term Meskhetian population, since the majority of people who were forcefully sent into exile from Samtskhe-Javakheti, Georgia by the USSR in 1944 were Georgians by ethnicity, among whom there were Muslim Meskhetians, Turks, Khemshils, Kurds, Kharapapakhs, Tarakans, Roma People, as well as Muslim Georgians settled from Adjara, Georgia to Meskheti, Georgia in 1930s. Hence, it is not appropriate to use the term "Meskhetian Turks". The drafting process of the Action Plan of the adopted "State strategy of Repatriation of Persons forcefully sent into exile from the SSRG by the Former USSR in the 40's of the 20th Century" has been completed, going inter-institutional processes and will be presented to the Government for the approval in near future.
118.52	Noted	The Georgian side considers that two-year limitation, applicable to the Muslim Meskhetians who has been granted the conditional Georgian citizenship, is proportional in order to relinquish any other citizenship previously held.

118.53	Accepted	Implemented. The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia closely cooperates with international and local non-governmental organizations working on IDP issues, as well as the Public Defender's Office. With their active involvement, the commission established within the Ministry makes the decisions on the DHS for IDPs and elaborates on legal regulations. Every major decision or a launch of a project is preceded by consultations with initiative groups of IDPs in different regions.
118.54	Accepted	Implemented. Unlawful and forced eviction of IDPs is prohibited and protected by the Georgian legislation. All evictions carried out in 2013-2015 are voluntary and all IDP families concerned are maximally informed and all evicted families are provided with alternative housing solutions.